

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MARY MARGARET MATHIS, §
individually and as Administrator §
of the ESTATE OF HOLLY BARLOW-AUSTIN; §
and MICHAEL GLENN AUSTIN, individually, §
§
Plaintiffs, §

V.

CIVIL NO: 5:20-CV-00146

SOUTHWESTERN CORRECTIONAL,
LLC, d/b/a LASALLE CORRECTIONS,
LLC and LASALLE SOUTHWEST
CORRECTIONS; LASALLE MANAGEMENT
COMPANY, LLC; BOWIE COUNTY, TEXAS;
TIMOTHY REYNOLDS, M.D., individually;
STEVEN FOLTZ, individually;
JAMES MCCANN, individually;
MICHELLE ARNOLD, individually;
TIFFANY HILL; individually; MARKESHA
JONES, individually; A. HUGHES, individually;
B. CERY, individually; and JOHN
and JANE DOES 1-10.

Defendants.

**ANSWER OF TIMOTHY REYNOLDS, M.D., individually;
STEVEN FOLTZ, individually; JAMES MCCANN, individually, and JHDocs, PLLC TO
CROSSCLAIM AND THIRD-PARTY CLAIM; and
CROSSCLAIM FOR CONTRIBUTION AND INDEMNITY**

COME NOW, **TIMOTHY REYNOLDS, M.D., STEVEN FOLTZ, JAMES McCANN,**
and **JHDocs, PLLC** and for their Answer to crossclaim and third-party claim, state as follows:

1. Separate Defendants admit that the factual allegations of crossclaim / third-party claim paragraph 1, but deny any liability as alleged in the crossclaim.

2. Separate Defendants admit that the factual allegations of crossclaim / third-party claim paragraph 2., but deny any liability as alleged in the third-party claim.

3. Separate Defendants admit the allegations of crossclaim / third-party claim paragraph 3.

4. Separate Defendants admit the allegations of crossclaim / third-party claim paragraph 4.

5. Separate Defendants admit the allegations of crossclaim / third-party claim paragraph 5.

6. Separate Defendants admit the allegations of crossclaim / third-party claim paragraph 6.

7. Separate Defendants admit that Steven Foltz, and James McCann were designated by JHDocs to provide and supervise medical care at the Facility. Separate Defendants deny the remaining material allegations of crossclaim / third-party claim paragraph 7.

8. Separate Defendants admit that Steven Foltz, and James McCann provided medical care at the Facility, and that they supervised medical care limited only to the that they were on the premises of the Facility. Timothy Reynolds, M.D. denies that he provided any direct medical care to Holly Barlow-Austin while she was housed at the Facility, and further denies that he supervised any medical care at the Facility, other than that provided by Steven Foltz and James McCann. Separate Defendants deny the remaining material allegations of crossclaim / third-party claim paragraph 8.

9. Separate Defendants admit the first sentence of crossclaim / third-party claim paragraph 9, but deny the remaining allegations of crossclaim / third-party claim paragraph 9.

CROSSCLAIM

COME NOW Timothy Reynolds, M.D., Steven Foltz, James McCann, and JHDoc's PLLC, and for their crossclaim against the LaSalle Defendants state as follows:

1. JHDocs, PLLC, entered into a Professional Medical Services Agreement (“Agreement”) with Southwest Correctional, LLC, dba LaSalle Corrections, which was in effect at all times relevant to the facts and circumstances of this litigation.

2. The Agreement contains a compliance and indemnity clause that reads in relevant Part as follows:

LASALLE agrees to protect, defend, indemnify and hold PROVIDER harmless from and against any all losses, costs, (including reasonable attorney’s fees), damages, liabilities, claims, liens, demands or causes of action of every nature, arising directly and solely from the actions of LASALLE or any of LASALLE’S employees or arising directly or indirectly out of all HIPPA fines, penalties or damages provided by the Health Insurance Portability and Accountability Act.

LASALLE further agrees to protect, defend, indemnify and hold PROVIDER and its health care providers, harmless from any and all losses, costs (including reasonable attorney’s fees), damages, deductibles, malpractice fees, liabilities, claims, liens, demands or causes of action of every nature, arising directly and solely from the actions of LASALLE, employees of LASALLE, or the inmates, detainees, prisoners, of Facility in the delivery of the Scope of Work as contemplated in this Agreement.

3. Timothy Reynolds, M.D., Steven Foltz, James McCann, and JHDoc’s PLLC, have denied, and continue to deny, that they are liable to the Plaintiffs for any claim or cause of action pleaded in this lawsuit. To the extent allowed by Texas law, federal law, and / or the Agreement, Timothy Reynolds, M.D., Steven Foltz, James McCann, and JHDoc’s PLLC seek indemnity and contribution against the LaSalle Defendants pursuant to the Agreement, federal law, T.C.P.R.C. §§32.002, 33.003, and 33.004. Accordingly, if for any reason, adverse jury findings are made

against Timothy Reynolds, M.D., Steven Foltz, James McCann, or JHDoc's PLLC, these parties seek to assert their full legal rights to indemnity and contribution.

PRAYER

Wherefore, premises considered, Separate Defendants pray that Crossclaimants / Third-Party Plaintiffs take nothing by way of this crossclaim / third-party claim. That they be awarded judgment in their favor for full contribution and indemnity, for costs and attorney's fees, and all such other and further relief to which Separate Defendants may be entitled.

Respectfully submitted,

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/s/ James L. Cook
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ATTORNEYS FOR TIMOTHY
REYNOLDS, M.D., STEVEN FOLTZ,
JAMES McCANN, and JHDocs, PLLC.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system on this the 18th day of November, 2021.

/s/ James L. Cook
James L. Cook